

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
LAND USE REGULATION PROGRAM  
BUREAU OF TIDELANDS MANAGEMENT  
P. O. BOX 439  
TRENTON, NEW JERSEY 08625-0439

**INSTRUCTIONS FOR ALL APPLICATIONS  
FOR TIDELANDS CONVEYANCES**

**GENERAL INFORMATION:**

1. Notice is hereby given to all applicants that the State is under NO obligation to make a grant, lease or license or any type of conveyance.
2. No work of any kind may be performed on the State's lands unless and until a grant, lease or license is delivered.
3. A waterfront development or other type of Land Use permit may be required to perform said work. If a permit is required, permits must also be obtained before commencing work.
4. Current practice is to issue grants only where there is a historical tidelands claim on the subject property. The Tidelands Resource Council may decide to grant presently flowed tidelands when the area is now part of an artificial waterway and within the record title of the applicant. Long term leases may be issued in cases where there is a house over tidal water or a marina or other commercial structure occupies presently flowed lands. For structures extending into tidal water (piers, floating docks, pilings etc.) a riparian (tidelands) license is the appropriate instrument. Marina license applications have additional filing requirements. For pipelines, outfalls, electrical transmission lines (submerged and aerial) and communication cables (submerged and aerial) a one-fee license or easement may be obtained. Applicants for marina licenses or one-fee licenses should contact the Bureau for specific application packages.
5. The Tidelands Resource Council requires that applicants provide a Certified Shorthand Reporter (CSR) for the Council meeting if the application is contested. A contested application is one where objectors indicate an intention of attending the Council meeting. A transcript of only that portion of the meeting for the individual application will be required to complete the file. Staff will inform applicants when a CSR is required.
6. If you have any questions regarding these application instructions or completing the forms, please call this office at (609) 292-2573.

## **SET BY STEP INSTRUCTIONS:**

### **I. APPLICATION FORMS**

Complete the application form for the appropriate Riparian (Tidelands) instrument by using the instructions listed below. Note: The final determination of the terms and conditions of any conveyance, if issued, is solely within the discretion of the Tidelands Resources Council and the State.

#### **A. APPLICATION OF UPLAND OWNER ON TIDAL WATER FOR A LEASE OR GRANT OF RIPARIAN LAND**

Fill in the numbered spaces appearing on the application form with the information listed below.

1. Applicant's name(s). Listed in this space should be the legal names of all recorded owners (names in the deed) for the subject property. Please circle correct title (Mr./Mrs./Ms.) If it is a buyer\seller arrangement, both names should be placed in the space or use two forms (see III. SUPPLEMENTAL DOCUMENTATION).
2. Applicant's address. This should be the mailing address of the party who will ultimately possess the grant.
3. State. The state where the applicants reside. This again should be the state of the party who will ultimately possess the grant.
4. Name the watercourse for which the grant is sought. In cases where the watercourse has no name list it as an "unnamed tributary" of the nearest known watercourse.
5. Date of your survey map.
6. Indicate whether the applicant is or is not the owner of the riparian lands. Riparian lands are those uplands directly adjacent to the tidelands areas, now or formerly below mean high water, that are the subject of the application. (See III. SUPPLEMENTAL DOCUMENTATION)

7. Name of the watercourse (see No. 4 above).
8. Applicant names. Listed in this space should be the legal names of all recorded owners (named in the deed) of the subject property
9. Their/his/her.
10. Day of the month.
11. Month and year.
12. Legal signature of the applicant(s) or applicant's agent. (Print or type the name below the signature.) Signatures must be properly acknowledged, that is notarized.

**B. APPLICATION FOR LICENSE OR EASEMENT**

Fill in the numbered spaces appearing on the application form with the information listed below.

1. Applicant(s) name. Please circle correct title (Mr./Mrs./Ms.) Listed in this space should be the legal names of all recorded owners (named in the deed) of the subject property. (see III.

**SUPPLEMENTAL DOCUMENTATION)**

2. Applicant(s) mailing address(es).
3. If the license is for a business, enter the name of the business.
4. Daytime phone number of the applicant.
5. and 6. City or municipality and county where the area to be licensed is located.
7. Name of the waterway on which the license will be located.
8. Lot and Block of the property where the license will be located.
9. Intended use of the license area. (Example: Recreational docking of a private boat.)
10. Enter names and addresses of the upland owners (if the applicant is not the owner of the upland immediate adjacent to the requested license area) or owners of the lands that adjoin that of the applicant's. (See III. SUPPLEMENTAL DOCUMENTATION)
11. Enter the types of permits you have applied for and the date the application was made. Put in the permit file number if you know it.
12. Here you may place any remarks concerning the project and/or its benefit to the public interest, if any.
13. Signature of all the recorded owners of the property in question. A properly authorized agent may sign for the applicants. (see D. AGENT'S AUTHORIZATION FORM, below)
14. Attesting signature (notary).

### **C. CORPORATE/PARTNERSHIP DATA FORM.**

If the applicant is a corporation, completion of the CORPORATE DATA SHEET is required. Furnish the names of the controlling stockholders and principal executive officers.

If the applicant is a partnership, submit trade name certifications, if any, and articles of partnership.

### **D. AGENT'S AUTHORIZATION FORM.**

If an applicant desires to designate a person other than themselves to sign the riparian application or to act as their agent in dealings with the State on riparian matters, then such designation shall be made by the applicant in writing using the Agent's Authorization form contained in the riparian application package. This form must be signed by all recorded owners of the subject property. (Print or type the names below the signatures) NOTE: Spouses who are noted in the deed as owners must sign the Agent's Authorization form. The applicant should note that if an agent is designated, the State will correspond with that agent directly, and not the applicant.

### **E. GOOD FAITH QUESTIONNAIRE.**

For **GRANT** applications only, we require the completion of the "GOOD FAITH" Questionnaire found in the riparian application package. This questionnaire should be completed by those applicants who purchased their property before the tidelands claim map affecting their property was filed.

## **II. EXHIBITS**

The following exhibits must be included with the application forms.

### **A. Survey Requirements.**

One-fee license (easement) applications have special requirements. Contact the Bureau Engineering Staff.

For all other tidelands conveyances:

1. Four (4) prints from the survey of the subject property showing actual conditions of the applicant's land at the time of application is required.
2. The survey must be made and certified by a NEW JERSEY LICENSED LAND SURVEYOR or PROFESSIONAL ENGINEER whose signature and seal shall be affixed to each dated print submitted.
3. The survey must indicate the applicant(s) name(s), the standard engineering scale used and the current tax block and lot designation, municipality and county. Dimensions shall be in the English system (feet).
4. Indicate the general property location on a key map, which may be based upon a USGS quad sheet, road map, municipal tax map, etc.
5. A closed metes and bounds description of the subject property must also be provided in writing.
6. Indicate the location of any lot lines/limits derived from any filed development map, subdivision map, or other deed referenced property line. Show the location of any known former mean high water line or former bulkhead.
7. Show or reference any adjacent tidelands grants and/or tidelands licenses.

**B. Additional Survey Requirements for Applications for State-Owned Presently Tideflowed Lands:**

1. Indicate the waterway name.
2. Clearly delineate and label the location of the mean high water line, and the method of determination used (if applicable).
3. If pierhead and bulkhead lines have been established by Federal or State authorities, show the relation of the property lines to those pierhead and bulkhead lines.
4. Show locations and dimensions of any and all existing or proposed structures outshore of the mean high water line. Such structures may include docks, free standing pilings, floats, piers, breakwaters, boat lifts, etc.
5. The proposed or existing slip(s) or berthing area(s) shall be shown with a sufficient length and width to accommodate the intended vessel(s).
6. All structures and slip/berthing areas shall be shown within the limits of a proposed tidelands license/lease area. The proposed license/lease area shall be delineated with a two (2) foot buffer area surrounding all docking structures and slip/berthing areas. A buffer limit greater than two (2) feet may be acceptable when deemed to be more appropriate.
7. The proposed license/lease area shall be delineated with bearings and distances on the survey. For instances of a natural mean high water line, an exception to this requirement will be made, when appropriate.
8. The proposed license/lease area shall have a beginning point in whichever is appropriate to the application: the current mean high water line; the limit line of a previously issued tidelands conveyance; or a former mean high water line.
9. The area of the proposed license/lease shall be provided.
10. A survey of a bulkheaded property shall indicate bearings and distances to and along the waterward face of the bulkhead's sheathing.

**B. Deed.** All applications must be accompanied by a COMPLETE COPY OF THE DEED, as recorded in the County, by which the applicant claims title the subject property. This copy shall include all pages of the deed. Condominiums must supply a complete copy of the master deed. (See III. SUPPLEMENTAL DOCUMENTATION)

**C. Certificate of Title.** The applicant shall also furnish a CERTIFICATE OF TITLE OR AN AFFIDAVIT OF TITLE. The Certificate must be signed by a New Jersey attorney-at-law or an authorized representative of a title guaranty company. The affidavit must be signed by all recorded owners of the subject property and also notarized.

**D. Title Insurance.** In the case of GRANT application only, where the applicant purchased the property before the tidelands claim map was adopted, supply a complete copy of any and all Title Insurance Policies obtained by the applicant pertaining to the subject property. Copies of title insurance commitments are not sufficient. If to your knowledge there is no title insurance for the subject property then please submit an affidavit attesting to that fact.

**E. Appraisal.** The following are **MINIMUM** requirements of real estate appraisal reports that accompany all applications for riparian GRANTS OR LEASES. These minimum requirements shall take effect on September 1, 2001.

1. The real estate appraiser must have a New Jersey real estate appraisal license.
2. The real estate appraisal must be compliant with the most recent edition of USPAP.
3. The real estate appraisal must be a COMPLETE APPRAISAL reported in a SUMMARY APPRAISAL REPORT.
4. An opinion of value of the total land (site only) within the record title in which the riparian claim lies must be developed in order to value the riparian claim area or to develop lease arrangements.
5. The Sales Comparison Approach should utilize vacant land sales or sales wherein the improvements were removed or razed subsequent to the sale or sales that had improvements that contributed nominal value at the time of the sale. In lieu of the foregoing other recognized methods of land valuation are acceptable.
6. The summary appraisal report must include the following items:
  - a. An original and two copies of the report.
  - b. A discussion of zoning compliance of the subject property.
  - c. A discussion of the highest and best use analysis.
  - d. A STATEMENT of any transfer of ownership of the subject property within 12 months if a 1 to 4 unit residential property and 36 months for any other property type (USPAP).
  - e. An ANALYSIS of any transfer of ownership within the time frame stated above.
  - f. Copies of the tax plats of the subject property and comparable sales.
  - g. Photographs of the subject property and the comparable sales.
  - h. A sales location map.
7. Your appraiser may speak with the Appraisal Staff of the Tidelands Management Program to discuss a particular appraisal assignment at any time.

**F. Additional Information.** Where applicable, the applicant should demonstrate how the project will serve the public interest, and state whether or not it will cause or tend to cause deleterious environmental effects. Statements as to the degree of public interest advanced by the project and the effect of the project on the environment are subject to independent evaluation and analysis by the State. In addition, any other information which the applicant wishes to bring to the attention of the staff and Tidelands Resource Council may be provided in writing.

### **III. SUPPLEMENTAL DOCUMENTATION**

The following information is required with the application where applicable.

1. In cases where the subject property is in the process of being sold and the grant is being sought to clear title, we require the following:

A. A copy of the sales contract.

B. A copy of the settlement papers.

C. A copy of any escrow agreement

relating to settlement of the tidelands issue.

2. If the applicant is not the owner of the upland or adjacent property, the applicant must obtain (& submit) the upland owner's written permission to make the application and obtain the tidelands conveyance. This written document must be in recordable form.

3. If anyone named in the deed is deceased, then we will need a copy of the death certificate. If a power of attorney exists for anyone named in the deed, then we will need a copy of it also.

4. If any maps are noted in the deed description or the survey plan, we will need a full size and scaleable copy.

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